



Legislative Update

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Legislature Approves Water, Salmon Measures

Erik Fairchild

Bills regarding use and management of the state's water resources were a major focus of legislative activity. The most significant water issues of the legislative session have been Watershed Planning, and salmon recovery efforts in light of existing listings of salmon and steelhead runs under the federal Endangered Species Act. A few bills to highlight include:

Watershed Planning (ESHBa 2514): This bill establishes a voluntary process for watershed planning which gives local governments the key role in assessing the status of water resources and determine how best to manage such resources and balance competing demands for water. The initiating local government must work with other local, state, and tribal governments to develop the planning process and to attempt to provide balance of representation on the planning unit. The planning process must address water quantity issues in the planning area, and may address water quality, habitat, and instream flow needs. The watershed plan must establish recommendations for policies and/or laws to meet the priority needs in the basin. Funding associated with these planning efforts will be prioritized towards areas addressing protection and enhancement of fish habitat.

State agencies may provide technical assistance at the request of the planning group. The supplemental budget contains \$1.1 million for technical assistance, and \$3.9 million for watershed planning grants to local planning groups.

Salmon Recovery (ESHBa 2496): This bill creates a Salmon Recovery Office within the Governor's Office to coordinate state strategies for salmon recovery and to provide a biennial state of the salmon report to the legislature. The bill also creates an independent science panel to review salmon recovery plans and to ensure good science is used in salmon recovery efforts. It authorizes counties, cities and tribal governments to develop a list of prioritized habitat restoration projects, using a critical pathways methodology identified in the bill, and to submit such list to an interagency review team for funding. The interagency review team will review habitat project lists submitted and provide a summary of funding for such projects to the Governor and legislature by December of each year. The bill also includes provisions related to technical advisory groups and mitigation proposals.

The supplemental budget contains \$26 million for planning, assessment and restoration projects related to salmon restoration. In addition, the department has received \$129,000 for its water reuse program, which can lead to reuse strategies that help preserve existing water resources and aid salmon restoration efforts.

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Supplemental Budget Passed

Vicki Bouvier

The 1998-1999 Supplemental Budget was passed by the legislature Wednesday night and is expected to be delivered to the Governor's office by the end of the week. The Governor will have 20 days after delivery to act on the bill. He can sign it in full or veto sections of the legislation. The Department is currently identifying legislation that passed with budget requirements but that did not receive funding in the final budget. This information will be conveyed to the Governor's office within a few days in order to allow him ample time to be fully informed when he acts on the budget. The following is an updated comparison of the final budget and the three proposals:

ITEM	GOVERNOR	HOUSE	SENATE	FINAL
1997-99 Appropriations	504,161,000	504,161,000	504,161,000	504,161,000
Epidemiology & Lab Cap	216,000	216,000	216,000	216,000
Acute & Home Care	508,000	508,000	508,000	508,000
Medical Impaired Provider	178,000	(730,000)	(730,000)	(730,000)
Boarding Homes	1,868,000	(658,000)	1,868,000	(1,544,000)
Trauma Care	(8,764,000)	-	-	-
Immunization	171,000	171,000	171,000	171,000
Diabetes Control Program	416,000	416,000	416,000	416,000
Abstinence Education	593,000	593,000	593,000	593,000
WIC Information Mgnt. System	-	-	-	-
INPHO	1,125,000	1,125,000	1,125,000	1,125,000
Hanford Medical Monitoring	250,000	250,000	250,000	250,000
Lab Quality Assurance	95,000	95,000	95,000	95,000
Water Reuse Program	189,000	129,000	-	129,000
Child Death Review	(350,000)	(350,000)	(350,000)	(350,000)
Watershed Management	400,000	-	77,000	-
Temporary Worker Housing	60,000	-	60,000	60,000
Replace Health Serv. Acct.		-	-	-
Chemical Dependency Cert.		-	214,000	214,000
Breast & Cervical		1,000,000	1,000,000	1,000,000
Title 18	499,000	499,000	499,000	499,000
Surgical Technologists Reg.		203,000	-	-
Regulatory Reform		67,000	-	40,000
On-Site Sewage Systems		-	-	-
Hep A Vaccination Program		300,000	-	300,000
SUB TOTAL	(2,546,000)	3,534,000	6,012,000	2,992,000
TOTAL	501,615,000	507,695,000	510,173,000	507,153,000

Water, Salmon Measures (*con't*)

Water Right Amnesty (ESSB 5703): This bill provides temporary relief from enforcement, for certain users of water who began using water without benefit of required water right permits prior to January 1, 1993 and who also fit certain criteria described in the bill. Such users are required to file water right claims by June 30, 1999 and also submit water right applications. The bill allows for the continued use of water until either Ecology makes a final water right decision or the area has a final water right adjudication from the court. Where watershed planning has been initiated by July 1, 2000 (pursuant to ESHBa 2514) Ecology will not make final permit decisions until completion of the plan. At the end of that planning effort, ultimate decisions would be made as to whether or not continued use of the water would be allowed, under the provision of a legal water right, or if that use would be discontinued.

Most other water related bills did not progress through the session. Several "municipal" bills, addressing water right issues and use of water by public water utilities, were not acted on but rather will be worked on during the next several months by a multi-interest workgroup staffed by the Department of Ecology. It is hoped that agreement can be reached on many of these controversial issues and be brought back to the 1999 legislature for action. §

Prenatal and Newborn Screening Study Approved

Greg Smith

The Legislature has passed HB 3103, which will require the Department of Health to work with appropriate medical professionals to develop screening criteria for identifying pregnant and lactating women who abuse drugs or alcohol and are at risk of affecting infants with drugs or alcohol. HB 3103 also requires the Department to develop training protocols for health care providers for the identification of such women.

The Department is also required to study the feasibility of medical protocols for laboratory testing or other methods of screening newborn infants for exposure to drugs or alcohol. This study will also look at current systems with respect to testing and how improvements can be made. HB 3103 requires the Department to assemble the information described above in a report to the Legislature by December 1, 1998. The bill, which the Department has supported, is currently awaiting action from the Governor. §

Bill Watch

Bill Watch this week contains bills that have been passed by both house of the Legislature. *Sine Die* for the 1998 Legislative session is Thursday, March 12th. Bills that do not pass from both houses, in identical form, by that time will not become laws enacted by the Legislature this session.

DATA AND CONFIDENTIALITY

SB 6329: Health Care Information Disclosure

Authorizes disclosure of health care information without patient's authorization to county coroners and medical examiners for the investigations of deaths. **Delivered to the Governor.**

ENVIRONMENTAL HEALTH

2E2SHB 1354a: Air Pollution Control

Revises air pollution control provisions. Requires the Department of Ecology to establish a scientific advisory board to review plans to create or expand an inspection and maintenance system for motor vehicle emissions. Exempts from the requirements for emission inspection collector cars as identified by the department of licensing under RCW 46.16.305(1), or beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old. Requires Ecology to evaluate changes to the motor vehicle emission inspection program and to recommend changes to the legislature by January 1, 1999. **Senate Passed, Final Passage.**

SHB 1692: Port District Aquatic Lands

The only lands that may be included in a port district

aquatic lands management agreement are those state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district. Upon request of a city, the department and city may enter into an agreement authorizing the city to manage state-owned aquatic lands for the purpose of operating a publicly owned marina. Directs the development of a proposed model management agreement that shall be used as the basis for negotiating the management agreements required by this section. The model management agreement shall be reviewed and approved by the board of natural resources. **Senate President Signed.**

SHB 1867a: Revising Provisions For Food Sanitation And Safety

Beginning July 1, 1999, the renewal period for food and beverage workers' permits is reduced from five to three years, unless the employee obtains additional food safety training. A limited-duty permit for disabled people is created. The local health officer specifies the activities that the permit holder may perform. This permit is recognized in all counties. It is specified that persons with contagious or infectious diseases that may be transmitted by food or beverage may not work in places where unwrapped or unpackaged food or beverages are prepared, consumed or sold. Health officers, by law, already restrict people with contagious diseases such as tuberculosis or chicken pox, which are not transmitted by food, from contact with the public in general.

The grace period to obtain a food and beverage service workers' permit is reduced from 30 to 14 days.

Bill Watch

Employers are required to provide information or training regarding safe food handling practices to employees prior to employment. **Delivered to the Governor.**

EHB 2414a: Outdoor Burning Compliance

Cities with a population of less than 5,000 that are not within or contiguous with an area not meeting federal or state air quality standards must phase out outdoor burning by December 31, 2006. **Delivered to the Governor.**

ESHB 2514a: Integrated Watershed Management

Allows discretion to local governments in how they may organize planning groups to assess local water supplies and needs and develop strategies to provide adequate water for economic prosperity and environmental protection while protecting existing water rights; review water quality problems and develop a strategy for achieving compliance with water quality standards; and formulate plans for protection and enhancement of water-related wildlife and fish habitat. **Delivered to the Governor.**

HB 2537/SB 6131: Shellfish Sanitary Control

Provides that a person whose license or certificate of approval is denied, revoked or suspended as a result of violations of chapter 69.30 RCW may not participate to any degree in a shellfish operation. **Senate Passed 3rd/ House Rules.**

HB 2542: Rural Counties/Growth Management

Provides that a rural county that adopts a resolution removing the county, and the cities located within the county, from the requirement to plan under the Growth Management Act remains subject to the requirements for the designation and protection of critical areas and the designation of natural resource lands. **Delivered to the Governor.**

EHB 2791a: Methamphetamine Crimes

Provides that the manufacture or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor or a pregnant woman resides is a "most serious offense" under RCW 9.94A.030. Funds already deposited in the local toxic control account may be utilized for assessment, however funds from this program shall not be used for the initial containment of such a site. **Delivered to the Governor.**

SHB 2960a: Authorizing Permits-By-Rule For Certain Solid Waste Recycling Facilities

The Department of Ecology is directed to continue to refine the recommendations contained in the 1997 review of the state's solid waste system, and submit a report to the Legislature by December 1, 1998. The report must address: the applicability of a permit-by-rule process for solid waste recycling facilities; consistency of permitting for regional, multi-jurisdictional recycling facilities; the application of best available control technology on a consistent basis; and methods of integrating facility standards with the recommendations of the study. **Delivered to the Governor.**

SSB 5636a: Health Inspection Warrants

Revising health inspection warrants for local health officers in response to pollution in commercial or recreational shellfish harvesting areas. Requires the submission of specific evidence showing that it is reasonable to believe pollution is coming from the septic system on the property to be accessed. An administrative search warrant may be issued in response to pollution in shellfish harvest areas or in freshwater. **House Speaker Signed.**

ESB 6123: Animal Health

Designates the authority and responsibility of the director of agriculture to supervise the prevention of the spread and the suppression of infectious, contagious, communicable, and dangerous diseases affecting animals within, in transit through, and imported into the state. **Governor Signed.**

ESB 6139a: Amphetamine Penalties

A person convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver amphetamine is guilty of a class B felony ranked at seriousness level VIII on the sentencing grid, punishable by 21 to 27 months imprisonment for the first offense. The maximum imprisonment is 10 years. The offender is also subject to a fine of no more than \$25,000 for an amount less than two kilograms. For amounts over two kilograms, the fine can be no more than \$100,000 for the first two kilograms nor more than \$50 for each gram over two kilograms. The first \$3,000 of the fines cannot be suspended and are sent to the law enforcement agency responsible for the site cleanup. **House Speaker Signed.**

SSB 6161: Dairy Nutrient Management

Establishes a credible registration and inspection program for dairy animal feeding operations to address the excessive discharge of nutrients or pollutants to waters of the state and lead to compliance by the industry with water quality laws. Maintains the administration of the water quality program as it relates to dairy operations at the state level. Creates a balanced program involving technical assistance, regulation, and enforcement with coordination and oversight of the program by an advisory committee composed of agency, industry, and other representatives. Clarifies the current coordination procedures and responsibilities between the Department of Ecology, the conservation commission, and conservation districts. Repeals RCW 90.64.005 and 90.64.090. **House Speaker Signed.**

ESSB 6203a: Authorizing Exemptions From Solid Waste Designations

The state's solid waste management laws are amended. 1) Beneficial Use of Solid Waste: The DOE may by rule exempt a solid waste from the permitting requirements of those laws for beneficial use. In adopting the rules, the DOE must specify both the solid waste that is exempted and the beneficial use or uses for which it is exempted. The department must consider whether the material will be beneficially used or reused and whether the use will present threats to human health or the environment. 2) Exemptions for Waste Handling Facilities: The DOE may by rule exempt from solid waste handling permit requirements any category handling facility that it determines presents little or no environmental risk and meets the environmental protection and performance requirements required for other similar solid waste facilities. 3) Deference to Other Permits: The DOE must adopt rules describing when a jurisdictional health department may, at its discretion, waive the requirement that a solid waste permit be issued for a facility if other air, water, or environmental permits are issued for the same facility. This deference to other permits may be allowed only if the applicant and the health department demonstrate that other permits for the facility will provide a comparable level of protection for human health and the environment that would be provided by a solid waste handling permit. 4) Civil Penalties: The DOE may assess a civil penalty in an amount up to \$1000 per day per violation to any person exempt from solid waste permitting under these authorities who fails to comply with the terms and conditions of the exemption. Each violation is a separate

offense and each day's continuance is a separate violation. **House Speaker Signed.**

SSB 6474a: Fertilizer Regulation

Requires after July 1, 1999, package labels on fertilizer to contain a statement that information is available on the Department of Agriculture's internet website regarding the components in the product. The department must post information contained in applications for fertilizer registration on the internet. **House Speaker Signed.**

ESSB 6497: Taking of Private Property

State agencies and local governments are required to make written findings and conclusions regarding government actions concerning the regulation of private real property. **Senate President Signed.**

FAMILIES & CHILDREN**ESHB 2395: Partial Birth Abortions**

This bill adds a new section to chapter 9.02 RCW which makes the performance of a partial birth abortion on a viable fetus Class C felony except to protect the life or health of the mother. **Senate Passed 3rd.**

HB 3103: Newborn Screening

Directs the department of health, in consultation with appropriate medical professionals, to develop screening criteria for use in identifying pregnant or lactating women addicted to drugs or alcohol who are at risk of producing a drug-affected baby. **Delivered to the Governor.**

FISCAL**SHB 2724: Enforcement Moneys/Legislative Oversight**

Provides that no state officer or employee may expend moneys received from fines, penalties, forfeitures, settlements, court orders, or other enforcement actions except as provided in a specific appropriation by law. **Delivered to the Governor.**

ESSB 6108a: Supplemental Operating Budget

Appropriations from various agencies are modified, with no net increase in appropriations from the state General Fund. \$200 million from General Fund revenues is deposited in the state's Emergency Reserve Fund. **Senate President Signed.**

PROFESSIONAL/FACILITIES LICENSING

2SHB 1618a: Impaired Physician Programs

Makes technical revisions to provisions relating to treatment programs for impaired physicians. **Delivered to the Governor.**

ESHB 1769a: Electronic Transfer of Prescription Information

The electronic communication of prescription information is authorized by law. Electronic communication of prescription includes, original or refill information for legend drugs and controlled substances, Schedule III to V, between a prescribing practitioner and a pharmacy, or between pharmacies. No intervening person between a physician or naturopath and a pharmacy can have access to the prescription drug order. Electronic systems must be approved by the Board of Pharmacy, except for currently used FAX equipment. The board must maintain a list of approved systems.

Electronically communicated prescription information must allow the opportunity for health prescribers to indicate their preferences for substituting therapeutically equivalent generic drugs authorized by law; protect the confidentiality of patient prescription information from unauthorized disclosure; and assure accuracy and authenticity of prescriptions. **Delivered to the Governor.**

SHB 2364: Health Professions Administrative Procedures

Revises RCW 43.70.280 to extend the authority of the secretary of health to write administrative rules for the health professions from July 1, 1998 to March 1, 1999. **Delivered to the Governor.**

SHB 2688a: Hearing Instrument Fitters and Dispensers

Revises provisions of chapter 18.35 RCW to modify the educational requirements for licensure as a hearing instrument fitter/dispenser. Declares that the new educational requirements take effect December 31, 2002. Revises provisions of chapter 18.35 RCW to modify the educational requirements for licensure as a hearing instrument fitter/dispenser. Repeals the hearing instrument fitter/dispenser apprenticeship program. **Senate Passed 3rd.**

HB 2788: Nursing Assistant Training

Provides that the nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. Directs the Department of Social and Health Services (DSHS) and the nursing care quality assurance commission to work together to develop an implementation plan by December 12, 1998. **Delivered to the Governor.**

EHB 2920a: Counselor Continuing Education

The Secretary of Health is required to establish continuing competence requirements for certified counselors by rule. There must be at least 36 hours of continuing education during the two-year reporting period preceding the renewal of certification, including subjects in professional ethics and law. Certified counselors are responsible for obtaining thirty-six clock hours of continuing education during the two-year reporting period immediately preceding renewal of certification, at least six hours of which must be in professional ethics and law. **Delivered to the Governor.**

HB 2990: Boarding Home Accreditation

Recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. Supports an industry-funded pilot program prior to changing or developing new standards for boarding home regulation. **Delivered to the Governor.**

SHB 2998: Privately owned defibrillators

Provides a limited immunity for use of semiautomatic external defibrillators. **Delivered to the Governor.**

2SSB 6168a: Temporary Worker Housing

Directs DOH to adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act, rules adopted by the State Board of Health, and the designated guidelines. Requires that, by December 1, 1998, the Department of Labor and Industries shall

adopt Rules requiring electricity in all temporary worker housing and establishing minimum requirements to ensure the safe storage, handling, and preparation of food in these camps, regardless of whether individual or common cooking facilities are in use. Establishes a farm worker housing finance program within the Department of Community, Trade, and Economic Development. **House Passed, Final Passage.**

2SSB 6544 a: Adult Family/ Boarding Homes

The Department of Health, the Department of Social and Health Services, the Nursing Care Quality Assurance Commission and representatives of other long-term care services are directed to meet with boarding home and adult family home providers and resident groups to develop recommendations on training standards for caregivers and administrators in adult family homes and boarding homes, and in-home care providers. Their report is due to the Legislature by December 1, 1998. The proposal must include recommended training standards for both administrators and staff serving residents with a diagnosis of dementia, mental illness or developmental disability. Training recommendations must take into account the following factors: availability and affordability of training; potential costs to DSHS and private providers; what types of training could transfer; competency testing; and practical and clinical coursework. Disclosure language requires all facilities receive a full assessment of the health condition of each resident before admission. Specific required information is defined. These assessments are required before admission except in cases of emergency placements. Facilities must also fully disclose to potential residents what items and activities they are capable of arranging. Facilities must also inform each resident in advance of changes in services, charges for services, or changes in the facility's rules. Facilities with six or fewer residents may make changes with a 14-day notice. The Division of Developmental Disabilities (DDD) must also conduct a study of current administrator and resident caregivers' training for specified programs and make recommendations to coordinate all training. **House Passed, Final Passage.**

SSB 6550a: Chemical Dependency Professionals

A certification program is established for chemical dependency professionals administered by the Department of Health. Persons practicing chemical dependency counseling may represent themselves as "certified chemical dependency professionals" by

meeting specified certification requirements in settings approved by DSHS. Applicants must pay a certification fee, pass an examination, and satisfy the education and experience requirements approved by the Secretary of Health in consultation with the Chemical Dependency Certification Advisory Committee. The secretary is authorized to approve educational programs and alternative training. Chemical dependency counselors treating patients in settings other than programs approved by the DSHS may not represent themselves as Chemical Dependency Professionals. **Delivered to the Governor Signed.**

REGULATORY REFORM

E2SHB 2345: Administrative Law Revisions

Revises provisions relating to administrative law rule-making and hearing procedures. A notification requirement for certain rules is added. Within 200 days of the effective date of a rule that imposes additional requirements on businesses that may subject a person to a sanction if violated, an agency must make a good faith effort to notify businesses affected by the rule of the requirements and how to obtain technical assistance. Good faith means the agency at least notifies businesses in the standard industrial classifications of businesses. Inadvertent failure to notify a specific business does not invalidate a rule.

The time period for JARRC to decide whether to impose the significant legislative rule requirements is extended from 45 to 75 days. Agencies may file proposals for the expedited repeal of rules at any time, instead of only twice a year. Each agency must report annually to JARRC on its progress in reviewing its rules, and must publish a summary of the report in the register. If JARRC receives a written objection within 90 days after publication, JARRC must determine whether the agency complied with the requirements. If JARRC finds that the agency did not comply, the agency has 120 days to receive approval from JARRC. If JARRC does not approve, the rule is deemed invalid. **Delivered to the Governor.**

SSB 6575: Administrative Rules Review

Expands the power of the joint administrative Rules Review committee. **Governor Signed.**

Bill Watch

TOBACCO

2ESHB 1746: Makes it illegal for a minor to possess or attempt to possess tobacco

Requires minors found guilty of possession or purchase of tobacco to pay a fine and perform four hours of community service. The court may also order the minor into a tobacco cessation program. Deletes the authority of local health departments, and adds the authority tobacco licensees to grant limited immunity to minors to participate in compliance activity. **Senate President Signed.**

SB 6483: Cigarette and Tobacco Tax Enforcement

Authorizes the transfer of enforcement of cigarette and tobacco taxes to the liquor control board. **Governor Signed.**

WELFARE REFORM

ESSB 6418a: Support Enforcement

A seven-day time period for remittance of withheld earnings is specified. Parents must provide certain information to the state child support case registry, and addresses of recipients are protected, under certain circumstances. The location of a noncustodial parent is protected upon request. Penalties for false reporting or failure to report new hires are specified and increased. Federal employer identification numbers are used by employers in reporting, replacing various other identifiers. The Governor and the Department of Social and Health Services must seek a waiver from Social Security number tracking provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act. Implements technical amendments to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. **House Speaker Signed. §**



Legislative Update

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